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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,531	09/25/2003	Kuo-Rong Chen	CHEN3589/EM	5152

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER	
ESCALANTE, OVIDIO	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,531	CHEN ET AL.	
	Examiner	Art Unit	
	Ovidio Escalante	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on August 11, 2006. **Claims 1-6** are now pending in the present application.

Drawings

2. The drawings were received on August 11, 2006. These drawings are acceptable.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

claim 1, line 20, "replay" should be changed to --reply--;

claim 1, line 29, "and yes" should be changed with -- or not, if yes,--

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox US Patent Pub. 2001/0043697 in view of Danzl et al. US Patent 6,980,631.

Regarding claim 1, Cox teaches an answering system, (abstract), comprising:

a database of back-end customer for storing a plurality of records of back-end customers, (paragraphs 0013-0014 and 0104);

an exchange electrically coupled to a PSTN and being adapted to receive a plurality of calls from the PSTN simultaneously, each call being corresponding to one of the back-end customers (e.g. service provider, customer service, reviewer), (fig. 2);

a plurality of terminals, (fig. 2);

a recording device, (paragraph 0068);

a data bus electrically coupled to the database of back-end customers, the exchange, the terminals, and the recording device respectively, (fig. 2); and

a host electrically coupled to the data bus and comprising an on-duty shift list of a plurality of operators operating the terminals, (paragraph 0075);

wherein in response to the exchange receiving a call from a front-end customer, the host dispatches the call to one of the terminals based on the on-duty shift list so that the operator operating the dispatched terminal can converse with the front-end customer, the recording device is commanded to record the conversation as a voice file and generate an associated index, (paragraphs 0013 and 0075); and

wherein the host further comprises an identification table containing a plurality of records of usernames and passwords associated with the back-end customers so that in response to receiving a call from one of the back-end customers by the exchange for listening a voice file

and the listening telephone call includes a input password with an associated index of the voice file, the host compares the input password and the password in the identification table to determine whether the back-end customer has the authority to listen the corresponding voice file of the back-end customers in the recording device or not, if yes, the host searches the corresponding voice file in the recording device subject to the associated index and then sends the corresponding voice file to the back-end customer, (paragraphs 0041 and 0112).

In the same field of endeavor, Danzl teaches that it was well known in the art to store a record with a reply address for back-end customers and having a host search a database of back-end customer for finding a reply address of a back-end customer to which the call corresponds, and the host sends a reply message associated with an associated index to the reply address of the corresponding back-end customer, (col. 4, lines 20-29; col. 4, lines 54-col. 5, line 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cox by allowing the service providers to receive the voice files via the reply method of Danzl so that the service providers do not have to constantly check the with the system to see if they have recordings that have been recorded for them. The system of Danzl will provide a method and means for sending the voice files periodically to the service provider during the day.

Regarding claims 2-4, Cox in view of Danzl, as applied to claim 1, do not specifically teach that the reply address is a telephone number of a telephone number of a cellular phone for receiving a short message or an e-mail address. However, Danzl teaches that it was well known in the art to send the voice file to the recipient by using "any appropriate means".

Therefore, the Examiner takes official notice that it would have been obvious to one of ordinary skill in the art to use a telephone number, SMS or e-mail to send the information to the recipient using the suggestion from Danzl so that the report recipient can receive the voice file via a plurality of different devices whether it will be with their e-mail or via telephone call.

Since the Applicant did not traverse the Examiner assertion of official notice then the Examiner's statement is taken to be admitted prior art.

Regarding claim 5, Cox, as applied to claim 1, teaches a database of front-end customer electrically coupled to the data bus and being adapted to store a plurality of records of front-end customers each having a telephone number, wherein the exchange is further operable to fetch the telephone number of the front-end customer who initiates the call, the host compares the telephone number of the front-end customer with a plurality of telephone numbers of the records stored in the database of front-end customer for finding a corresponding record of the front-end customer, and the host displays the corresponding record of the front-end customer on the terminal, (paragraphs 0015,0061,0064 and 0118).

Claim Rejections - 35 USC § 103

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Danzl and further in view of Pines et al. US patent 7,027,570.

Regarding claim 6, Cox in view of Danzl, as applied to claim 1, do not specifically teach teaches an interactive voice responding device is able to play a corresponding one of the records of responding voice messages based on the back-end customer to which the call being corresponding before connecting the call from the exchange to the terminal.

In the same field of endeavor, Pines teaches an interactive voice responding device electrically coupled to the data bus and being adapted to store a plurality of records of responding voice messages, each record of one of the corresponding voice messages corresponding to a respective one of the back-end customers, wherein the interactive voice responding device is able to play a corresponding one of the records of responding voice messages based on the back-end customer to which the call corresponds before connecting the call from the exchange to the terminal, (col. 2, lines 6-17; col. 3, lines 28-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cox in view of Danzl by employing the use of a interactive voice responding device to play a corresponding record for the back-end customer as taught by Pines so that the caller can know that they are being connected to the correct back-end customer before they are connected to them.

Response to Arguments

8. Applicant's arguments filed August 11, 2006 have been fully considered but they are not persuasive.

Applicant contends that neither Cox nor Danzl discloses or suggest providing a voice file index to a back-end customer so that the back-end customer can later call the host, provide the index, and listen to the voice file. The Examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

While the Examiner agrees that Cox does not send an index to a back-end customer, the Examiner relied up Danzl for providing an index report to a back-end customer. The Examiner notes that while the index in Danzl is not a voice index, since voice index, is already supported by Cox, and since Danzl was merely relied upon for showing that it was well known to send an index to a back-end customer then the Examiner believes that all of the claimed limitations were met.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., telephone call) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant contends that Cox does not provide for telephone calls from the back-end customers, however, the claims only recite a call and not a telephone call. While Cox uses a computer, the backend-customer of Cox establishing a call to the call center using their computer. The Examiner suggests of clarifying the claims to include having the back-end customer call the call center using the telephone number of the host in response to receiving the voice index from the host so that the voice file can be replayed over the telephony connection.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER
Ovidio Escalante

Ovidio Escalante
Primary Patent Examiner
Group 2614
October 20, 2006

O.E./oe